

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

OCT 08 2021

JULIA C. DUDLEY, CLERK  
BY: *Gary Neel*  
DEPUTY CLERK

DONNIE T.A.M. KERN

CASE NO: 7:21-cv-00495

Plaintiff, Pro Se

GEORGE M. GARTEN  
IN OFFICIAL CAPACITY  
CHAIRMAN ALLEGHANY  
COUNTY BOARD OF  
SUPERVISORS  
ET AL.

EMERGENCY  
MOTION IN RESPONSE  
TO COURT ORDER  
LEAVE OF COURT

Defendants,

EMERGENCY MOTION IN RESPONSE TO COURT ORDER  
LEAVE OF COURT TO AMEND COMPLAINT

COMES NOW, Donnie T.A.M. Kern, Plaintiff, via Pro Se, without adequate and  
in desperate need of counsel acknowledges the ORDER entered on October 5  
2021 by Honorable James P Jones, Senior Judge;

1. Whereas the Honorable James P Jones having **ORDERED** the plaintiff leave of court to amend the complaint originally filed approximately on September 27 2021 to amend the complaint so that it conforms and exhibits elements of a **“short and plain”** complaint as prescribed by the court;
2. Therefore Donnie T.A.M. Kern out of respect for the court and the Honorable James P Jones will graciously abide by the recommendations from the Honorable James P Jones and remove the presence of photographs, full recitation of various statutes, rules, copies of letters, and newspaper articles, handwritten comments and markings;
3. Donnie T.A.M. Kern will also to the best of his abilities refrain as required by the **ORDER** from using legal argument as Donnie T.A.M. Kern is not trained in drafting legal briefs to specifications prescribed under Fed. R. Civ. P. 8(a)(2).
4. Donnie T.A.M. Kern respectfully and desperately seeks the Honorable Judge James P Jones **leniency** to not place a page restriction upon the complaint as the context of the complaint spans **three (3) years** and there is nothing “**short**” or “**plain**” regarding the complaint and the details contained within which illustrate a **very, very long train of abuses** which involves numerous people and numerous events.
5. Donnie T.A.M. Kern will try to appease the court and the Honorable Judge James P Jones to ensure the page number is around fifty to seventy five (50-75)

pages which is two-hundred twenty five (225) and two-hundred and fifty (250) pages less than the original complaint that was filed.

6. The court having placed a restriction on the number of pages would in essence restrict Donnie T.A.M. Kern ability to meet the deadline of fourteen (14) days as Donnie T.A.M. Kern would be required to continuously review, edit the complaint to conform to a prescribed *cookie-cutter* restricted page count therefore inhibiting, abridging, and restricting Donnie T.A.M. Kern's constitutional rights in an effort to redress the court.
7. Whereas Donnie T.A.M. Kern is, but not limited to, being a current full-time accountant in a very important healthcare company with the existence of a staff shortage, is also appealing to the U.S. Appellate Court, a candidate for an elected office, a husband and father to two young children in which all these variables have placed time restrictions upon Donnie T.A.M. Kern therefore limiting his ability to partake in defending his constitutional rights and the court **ORDER** having instituted a fifteen (15) page restriction would only stifle Donnie T.A.M. Kern in this process.
8. Whereas the page restriction would also place a threat to the content of the complaint which should be "**well pleaded**" and take precedence over the confines of a complaint that is "**short and plain**".

9. Henceforth Donnie T.A.M. Kern graciously thanks and commends the Honorable James P Jones, Senior Judge for the **ORDER** to leave to amend the complaint but mercifully prays for no page restriction and Donnie T.A.M. Kern promises to keep it short as possible in page length to ensure the complaint is **“well pleaded”**.

**DECLARATION**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this **request/complaint**: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11 and the foregoing is true and correct on this 8 day of October 2021.



Donnie T.A.M. Kern, Pro Se  
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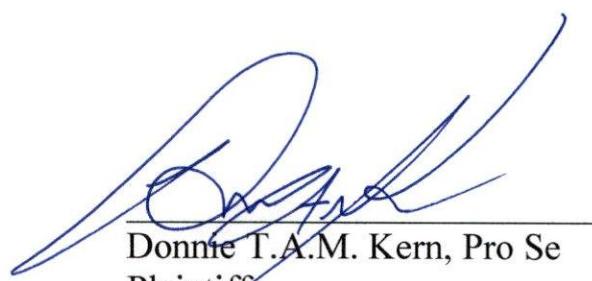
## CERTIFICATE OF SERVICE

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I certify that a true and exact copy of the foregoing will be delivered to the following:

Honorable Julia C. Dudley, Clerk of Court  
210 Franklin Road S. W.  
Suite 540  
Roanoke, VA 24011-2208

on this the 8 day of October 2021



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